

# ***SCAAC Meeting Summary and Minutes***

## ***(School Curriculum, Assessment, and Accountability Council)***

December 6, 2002  
State Board Room  
Capital Plaza Tower, Frankfort, Kentucky

### **Committee Members:**

Margie T. Bradford	Gary Mielcarek	H. M. Snodgrass
Dale Campbell	Eleanor Mills	Nancy S. Sutton
Kay Freeland	Henry Ormsby	Roxie R. Tempus
Suzanne Guyer	Roger Pankratz	J. Maynard Thomas, Vice-
Varetta D. Hurt	Robert Sexton	Chairman
Benny Lile, Chairman	Linda Sheffield	One (1) Open Position

### **SCAAC Agenda**

	<b>Agenda Items</b>	<b>Presenters</b>
	<b>Call to Order</b>	<b>Benny Lile</b>
<b>1.</b>	<b>Roll Call</b>	<b>Roger Ervin</b>
<b>2.</b>	<b>Approval of September 27, 2002 Meeting Summary and Minutes</b>	<b>Benny Lile</b>
<b>3.</b>	<b>No Child Left Behind Act of 2001 (NCLB) - Review of issues</b>	<b>Scott Trimble</b>
<b>4.</b>	<b>Testing Window update</b>	<b>Scott Trimble</b>
<b>5.</b>	<b>A2-A6 School Accountability</b>	<b>Scott Trimble</b>
<b>6.</b>	<b>National Assessment of Educational Progress (NAEP)</b>	<b>Scott Trimble</b>
<b>Adjournment</b>		

**Call to Order****Benny Lile**

Chairperson Benny Lile, at 9:16 a.m., advised committee members that since there is not a quorum the meeting cannot be called to order but we can get started. *[A snow and ice storm has negatively impacted travel throughout Kentucky.]* If two or more members show up we will have a roll call and call the meeting to order. The minutes from the last meeting cannot be approved. Benny Lile advised that the agenda will be slightly changed and item 6, National Assessment of Educational Progress (NAEP) will be presented first. This is an FYI item and will not require any action by the committee.

**6. National Assessment of Educational Progress (NAEP)****Scott Trimble  
Teri Eads***KDE staff presentation:*

Scott Trimble opened the discussion on the National Assessment of Educational Progress (NAEP) and advised that Cindy Owen and Teri Eads are the Kentucky Department of Education contacts. Cindy Owen is in Washington D.C. and Teri is here and will lead the presentation. The committee was provided a PowerPoint presentation. Teri will provide an abbreviated presentation since most of the information in the PowerPoint is self-explanatory.

Teri Eads led the members through the PowerPoint presentation addressing state reporting. *[The PowerPoint presentation is available from the Kentucky Department of Education, Office of Assessment and Accountability.]*

Scott Trimble wanted members to be aware that NAEP goes back to the mid 1960's. This is NAEP's attempt to deal with long-term trends in American achievement. The National NAEP deals with other content areas than just reading and mathematics. They are science, social studies, writing, etc. and data at the twelfth grade. This data is never measured at the state level and is only calculated and reported at the national level.

Teri Eads reported that Congress passed legislation in 1988 authorizing a trial state assessment. NAEP was originally authorized by Congress in 1969. Much research and development occurred and testing started in the early 80's. Kentucky has always participated in NAEP. The trial state assessments were conducted in 1990, 1992, and 1994. The legislation requires that State's receiving Title 1 funds are required to participate in NAEP. Starting with the No Child Left Behind Act of 2001, Districts receiving Title 1 funds are now required to participate in NAEP.

NAEP assess students at grades 4 and 8 in reading and mathematics. The National Assessment Governing Board developed the framework and used the latest assessment available. The Commonwealth Accountability Testing System (CATS) is based on NAEP and includes multiple choice and open response questions.

SCAAC member comments:

Roger Pankratz asked what the progress is on innovative types of questions such as hands-on. Kentucky had performance events in the assessment but he thought they were discontinued because, he thought, there was not enough time and money.

KDE staff comments:

Scott Trimble says that NAEP has not made enough progress for Kentucky to use in the CATS assessments. At the national level they have the resources and have developed items in the arts that are like our performance events and are experimenting with some in science. They are continuing to experiment with computerized administered assessments in mathematics and writing. None are used in state assessments; only in the national assessment.

Teri Eads advises that the No Child Left Behind Act of 2001 (NCLB) requires that states participate in NAEP to be eligible to receive Title 1 funds, and if the state is receiving funds, then districts must participate in NAEP. If you are a Title 1 district then schools in the district are required to participate.

SCAAC member comments:

Linda Sheffield wanted to know if the requirements changed the school participation selection method or is selection continuing to be a random selection? And can students opt out of NAEP testing?

KDE staff comments:

Teri Eads responded that it is a random selection of Title 1 schools and within the selected schools a random selection of students. The school is required to send home a parent letter for the selected students. Parents can sign the letter to have their children not participate in testing.

SCAAC member comments:

Benny Lile asked Scott Trimble if NAEP scores can be reported at school level. Scott responded that it is a long way off for Kentucky. Only ten or so large cities in the nation will get data back at the district level. The sample has to be large for NAEP to feel comfortable in reporting district level results.

OEA staff comments:

Gerald Lunney reports that NAEP over samples minority populations. Because of the over sampling, students in a school are not necessarily representative of the overall school population.

SCAAC member comments:

Benny Lile asked if the Kentucky Department of Education received data that is not shared with schools.

KDE staff comments:

Gene Wilhoit and Scott Trimble responded in unison with a resounding “No”. Scott advised that the Department is aware of the schools that participate in NAEP but are not told which students are tested or how the school’s performed.

SCAAC member comments:

Roger Pankratz asked for information on the number of schools in Kentucky that are selected and the number of students that participate.

KDE staff comments:

Scott Trimble advised that at the fourth grade and also at the eight grade it is approximately 100 schools at each grade level. Approximately 2,500 students at each of the grade levels are tested.

SCAAC member comments:

Benny Lile asked if the Department could look at the score results for the 100 schools and compare the NAEP results to the school’s CATS scores. The comparison would be based on an aggregate CATS score for the 100 schools.

KDE staff comments:

Scott Trimble advised the Department usually does not; the Department could and probably should. There is a particular research company that does this more routinely and systematically that the Department does. This type of activity can be done. The Department has looked at the state NAEP sample; the percentage of students with disabilities or percentage of students that are minorities etc. and it is very representative of the Kentucky student population assessed with CATS.

Gene Wilhoit felt that the comparison is a good idea. It has been a disincentive for schools to participate, as they do not receive any information on school performance on NAEP. This is not just a Kentucky problem, but also a nationwide issue. The commissioner asked that the Office of Assessment and Accountability conduct this analysis in the future. People will be asking how Kentucky’s system aligns, and how the performance on our state assessment aligns with the performance on NAEP.

SCAAC member comments:

Linda Sheffield asked how are we going to avoid over sampling from low income populations. Title 1 schools cannot opt out from participation, while the wealthier districts that are not receiving Title 1 funds can.

KDE staff comments:

Scott Trimble advised that in other states this could be a problem. In Kentucky there is only one district that is not receiving Title 1 funds and they are willing to participate when selected.

Gene Wilhoit said that this is a major problem for states in the northwest.

Scott indicated that several states have had discussions about opting out of Title 1 but none so far has.

Teri Eads suggested that committee members visit the NAEP website [<http://nces.ed.gov/nationsreportcard>] as there is a wealth of information for current and past administrations. Kentucky NAEP results, as well as other states results, for current and previous years are reported.

This year NAEP has selected 237 Kentucky schools in 111 districts to participate. 234 schools have accepted and we are waiting to hear back from the three remaining schools. We are hoping that Kentucky will have a 100 percent participation rate this year. Within each school 60 students are randomly selected to participate, 30 students in reading and 30 in mathematics. Each school designates an assessment contact person. WestStat, which has a contract with the National Center for Education Statistics (NCES) will oversee the test administration and will work with the contact person to setup the test dates and times to administer the assessment. Starting this year WestStat will provide staff to administer the test at the schools.

There is no individual student reporting. A state report and regional reports are provided.

SCAAC member comments:

Suzanne Guyer asked for details on how test administrations are handled at schools with fewer than 30 students at the grade level.

KDE staff comments:

Teri Eads advised that most of the schools have chosen to test all their students at the grade level. If a school has fewer than 120 students in the 4<sup>th</sup> grade, then the school can choose to test all of their students at the grade level. At the 8<sup>th</sup> grade when the number of enrolled students falls to the 80-90 range, then schools can choose to test all students at the grade.

SCAAC member comments:

Benny Lile asked about the current status on NAEP's plan for testing of special populations as compared to how Kentucky does it. A couple of years ago there was quite an uproar over how NAEP handled it.

KDE staff comments:

Scott Trimble advised that back in the 1990's when NAEP started, the state trial assessments did not have policies to deal with the inclusion of special education students.

They had a typical standardized assessment and if the student fit the traditional mold, then NAEP would test the student. Students with special accommodations were not tested and included in NAEP. As time went on and the IDEA legislation changed the importance of participation in NAEP increased. NAEP, over the period of 1996 to about 2000, began to experiment with procedures to include students with special disabilities and their accommodations. NAEP does not have to respond to the same laws as does the Kentucky Department of Education. NAEP was very cautious for what they considered legitimate reasons. They were concerned about protecting their long-term data. In 1994 – 1996 Kentucky included all students in the state assessment. We would have liked for the students to be included in NAEP but Kentucky was not allowed to because of NAEP's procedures. In the 1990's Kentucky's fourth grade population of students with disabilities was around eight (8) percent and now students with disabilities is at 12 to 13 percent. As NAEP began to track the number of students with accommodations the percent of excluded students in reading increased noticeably between 1998 and 2000. CATS is a reading comprehension assessment; it is not a test of what you can decode, what is on printed page, or a test having a certain vocabulary. Some of us in the Department feel that NAEP is a reading comprehension test but NAEP is not allowing reading accommodations. We will probably see the same situation in 2003 when Kentucky participates in the NAEP reading assessment and we will be debating this again. Kentucky's exclusion rates will probably be a little higher than other states because of this. We did have independent statisticians look at this. Lorrie Wise from HumRRO and statisticians from Educational Testing Service (also a contractor to NCES for NAEP). Basically their conclusion was that the gains Kentucky is seeing on NAEP are real. NAEP now allows the same accommodations as Kentucky with one exception in mathematics.

The statute is not clear on Kentucky's required participation in the NAEP state science assessment when it becomes available. Most likely Kentucky will participate. It is not clear at this time.

NAEP has four reporting levels: below basic, basic, proficient and advanced. Advanced is equivalent to Kentucky's distinguished, proficient is proficient, basic is apprentice and below basic is novice.

SCAAC member comments:

Robert Sexton feels that the levels are most germane to No Child Left Behind (NCLB). In the national debate on this he has seen contradictory information. People are looking at various state assessments and say in Texas for example 70 percent of the students are passing the state assessment so they are proficient. On NAEP 20 to 30 percent are proficient. The tests are out of kilter. He has seen data that shows that Kentucky's percentage of proficient is similar to NAEP's percent of proficient. He also has seen data that shows them to be out of kilter. Are Kentucky students who score proficient or distinguished close to NAEP's proficient/advanced classification and are we therefore saying to the public that we have a very high standard and it is like NAEP and we are tracking their standard? Or do we have a lot more proficient students, which makes our standard lower than NAEP's.

KDE staff comments:

Scott Trimble advises that Kentucky's standard is close to NAEP's and closer than most other states. NAEP data at grade 4 has approximately 23 to 29 percent of students proficient in Reading and on the KCCT we have roughly 50 to 54 percent proficient. In mathematics the percentages are much closer. Both NAEP and KCCT are 15 to 20 percent proficient. In the old KIRIS data reading proficient percentages were closer to NAEP.

Gene Wilhoit summarizes that there is greater score consistency in mathematics and science than in elementary reading.

SCAAC member comments:

Robert Sexton has seen articles by psychometricians that it is inconceivable to have all students meeting proficient in NAEP in the next ten to twenty years. Is the NAEP standard a standard that every child in this nation can meet? NCLB is saying that NAEP is going to be a monitor for this.

KDE staff comments:

Scott Trimble's response is that if you believe all students can learn and that they can learn at high levels, and we do in Kentucky, then the answer is yes. If students are given proper opportunities, proper resources, and proper instruction then they can be expected to learn at that level. There are volumes published on the NAEP standards and there is debate on how the NAEP standards are set. But when you look at the expectations and how NAEP defines proficient it is not much different than how Kentucky defines it.

Gene Wilhoit feels that with the current delivery system and current resources the answer is no.

SCAAC member comments:

Roger Pankratz asked who set the standards for NAEP?

KDE staff comments:

Scott Trimble responded that a number of methods were used but basically a modified Angoff method. The standards were set by a representative sample of teachers, parents, and the general public. A variety of people went through a standard setting process.

SCAAC member comments:

Roger Pankratz points out that parents and the general public do not have a realistic understanding of the development of children. They are looking at it from a different point of view.

Linda Sheffield was wondering how much has proficient gone up over the 30 years.

KDE staff comments:

Scott Trimble advised that the information is available at the NAEP web site.

Gene Wilhoit thinks it is interesting to look at states with aggressive education reform over the past years. We should contact North Carolina, Maryland, Connecticut, Texas, and see what a slope there is. We need to encourage them to engage NAEP in looking at this and resetting standards.

SCAAC member comments:

Roger Pankratz asked about testing in 2004.

KDE staff comments:

Scott Trimble indicated that there is no testing for NAEP state assessment in 2004 for reading and mathematics. *[Members were referred to the PowerPoint handout.]* Testing will occur on the national assessment but not state. The state assessment is being moved to 2003 from 2004 to get feedback earlier. The state assessments will be administered in odd years.

<b>3. No Child Left Behind Act of 2001 (NCLB) - Review of issues</b>	<b>Scott Trimble</b>
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KDE staff presentation:

Scott Trimble stated that the chart handed out at the last state board meeting generated sharp discussion. The timeframe that Kentucky is working under is to work through a plan that will be reviewed by Kentucky Board of Education, and submitted to the U S Department of Education (USDOE) on or about January 31, 2003.

USDOE will then review it and we should hear back in the April / May 2003 time period on the acceptability of our plan. Then there probably will be a period of negotiations between Kentucky and the U S Department of Education.

The first issue that the Department felt the plan has to deal with is baselines; when you develop and how you develop baselines and our requirements and NCLB requirements. The discussion becomes complex as so many of the issues are intertwined. Kentucky's baseline data comes from the year 1999 and 2000. Our long-term accountability system, which is in Kentucky statute and revised statute, says that our baseline data comes from these two years. NCLB does not speak about baselines but talks about a starting point and the starting point must come from the year 2002. We have two options, conform to the NCLB language or ask the USDOE to consider that we have basically exceeded their requirements and we started earlier and a little differently. Our long-term accountability system is in place and achieving the kinds of things we want to achieve in Kentucky. We believe the reform, the experience gained with our assessment system, and the improvements NAEP has demonstrated has made a measurable difference.



Gene Wilhoit believes that the federal response is that they are favorable to a baseline starting with 1999-2000 or adding a federal line starting in 2002.

SCAAC member comments:

Benny Lile asked if that meant that we would have two accountability systems, the current one and a federal one.

KDE staff comments:

Gene Wilhoit responded that there are other issues that will influence the decision.

Scott then talked about the starting points where NCLB starting points are established for reading and for mathematics.

Gene Wilhoit advises the law is pretty perspective and there is no flexibility. Scott Trimble then provided examples of the Kentucky calculations by having committee members work with the chart.

SCAAC member comments:

Committee members discussed the calculations and the fact that the point of proficient is 20 percent and how NCLB came up with 20 percent.

KDE staff comments:

Scott Trimble indicted that he has no insight on the 20 percent. Gene Wilhoit suspected that it might be psychometricians using quintiles.

Gene Wilhoit feels the issue is not so much school scores but sub-population scores. This applies to an overall school score and the identified sub-population scores.

SCAAC member comments:

Benny Lile had heard that if you do not have the number of identifiable students in a sub-population, for these discussion fewer than 10 students in a sub-population, do you still have to attain the performance gains even if it is one student in the sub-population.

KDE staff comments:

Both Gene Wilhoit and Scott Trimble indicated that this was not their understanding. The requirements of the law apply only to identifiable sub-populations.

SCAAC member comments:

Benny Lile indicated that the reference is to an Ed Week article. That sub-groups too small to be statistically reliable at the school level must be included in calculations of Adequate Yearly Progress at the district level.

KDE staff comments:

Scott Trimble advises that all sub-populations of students within the district are aggregated at the district level and the district will be held accountable even when a school

within the district does not have the number of students to have an identifiable sub-population.

Scott Trimble provided a description of the NCLB model that has a different starting point and accountability lines extending to 2014. This is very different than the Kentucky model. Under the NCLB model, there is one accountability line for all Kentucky elementary schools, one line for middle schools and one line for high schools. No longer will each Kentucky school have their own starting point and accountability growth line. The NCLB model applies the same accountability line to the identifiable sub-populations. For example the low SES population has to meet the same goals as the general population. The sub-populations are the major racial/ethnic populations, limited English proficiency (LEP), students with disabilities, and social economic status (SES) [*free and reduced lunch*].

There is also an exclusion clause for the sub-populations that are not meeting their goal. The formula is complex, but basically if the number of students in the identified sub-population that are classified as below proficient are reduced by 10 percent for the accountability period and meet the requirements of additional indicators that are not yet defined, then the school will pass. Possible additional indicators that Kentucky will have to define might be student attendance, successful performance in another content area like social studies or other indicators that demonstrate achievement. This is true for all sub-populations.

Gene Wilhoit indicated that NCLB has four identified sub-populations. Kentucky Senate Bill 168 additionally identifies gender as a sub-population.

SCAAC member comments:

Discussion between members identified some points:

Linda Sheffield observed that nationally only one percent of students with disabilities are classified as proficient. Under the requirements of NCLB, 10 percent of students with disabilities will need to be proficient in the following year.

Benny Lile reminded members that the Herald-Leader performed an analysis on Kentucky mathematics scores and several hundred Kentucky schools will fail and the main sub-population that will not meet goal is students with disabilities.

Linda Sheffield summarized that for a school to meet Adequate Yearly Progress; schools must meet their performance line in reading, their performance line in mathematics and have every identified sub-population meet that. Based on national data that she has seen, 90 to 95 percent of schools in America will fail.

Robert Sexton points out that there will be many schools that are scoring very high overall and do not meet the performance requirements for one of the identified sub-populations.

Robert Sexton asked for confirmation that each state will set the minimum number of students for a sub-population, thus the calculation method and number of students will vary from state to state.

Benny Lile added that the Secretary of the U S Department of Education has to approve the calculation method and the minimum number of students for the identified sub-populations.

Robert Sexton feels that by having different standards for each state, schools in some states will be advantaged over other states based on the algorithm the state chooses. For example Kentucky set the identified sub-population at 50 students in the school, the majority of schools will never be held accountable for students in the sub-populations. He has heard that some states are talking 50 students.

KDE staff comments:

Scott Trimble points out that the high number is for all grades in school. For example an elementary school with grades 3, 4, and 5 might have 50 students in the sub-population. When Kentucky talks about the minimum number of students, it has been in the context of 10 students per grade level.

Gene Wilhoit feels this is very important issue and it is a technical issue and a political issue. The Department's technical experts have reviewed and made their recommendations. It is now a political issue and we need intensive conversation with other states. States need to work together on this issue.

Scott Trimble shares that technical experts are recommending 10 students per grade level, so a school with three grade levels will have approximately 30 students in a sub-population.

SCAAC member comments:

Linda Sheffield points out that each state is providing a definition for proficient. If Kentucky were to reset proficient to a point closer to novice, it will make the task a whole lot easier for schools.

KDE staff comments:

Gene Wilhoit said that there are four or five states that have talked about doing that.

Scott Trimble is aware of several states that are talking about setting two standards, their current state standard and a more lenient NAEP standard. The federal standard might be proficient and the state standard is substantially proficient.

OEA staff comments:

Gerald Lunney reflects on the California rumor that they are considering 100 students. One factor is the size of schools. Kentucky has many very small schools. If all of California schools are huge factories, then maybe 100 students is not a larger proportion of what they have.

KDE staff comments:

Scott Trimble reminds the committee that you have to set a minimum number of students such that you are confident that it does not disclose through the reporting system any individual student's information. This is where Kentucky's rule of ten (10) comes from. It is suggested that using a percentage of students might be fairer to schools. However, the number of students has to be at a level to not jeopardize individual student information and violate the federal family education rights to privacy act. We also need a number that provides the confidence that we are making a statistically correct decision about the performance of a sub-population.

SCAAC member comments:

Linda Sheffield feels that privacy is the key. If a percentage were used to calculate the number of students for a sub-population, a minimum number still will be required to permit confidentiality of individual student information.

H. M. Snodgrass addressed dual reporting. There is not a requirement or need to run a dual program. There can be dual definitions just for federal reporting purposes and still sustain the same level of accountability and criteria within the state operation. Kentucky's Apprentice, the wording that defines that or the standard that defines that, might be categorized as the Proficient level for federal reporting. We would not need to run a dual system because most district people are not going to know the difference anyway. They are only interested in what the state requires and what level their students perform at within the state standards. This might be a backup position that can be considered if Kentucky begins to get rejected on some of the compromise situations. The indexes could remain the same and the consequences could remain the same at the state level. The local districts might not even have to have separate reports. The media is a different story, and they view this as Kentucky is lowering standards for our students.

Roger Pankratz indicates that we have a system that we feel comfortable with and then the new administration comes in and says we have this other system. This does not change our goals but we have to comply. The compliance is a political solution, in other words, nothing is gained over our present system by changing to the new federal standard. The real problem is how do we comply in any way shape or form and stay afloat politically and not harm the integrity of the current system. Some of these adjustments could erode the success Kentucky has seen with the current system.

Plan 1 is to keep the current state system intact as much as possible. If compromise is needed, fight hard on those issues that would erode our system.

H. M. Snodgrass recommended another alternative where for the federal reporting; accountability is based on reading and mathematics and for state accountability continues to include all content areas.

Henry Ormsby asked that Department staff discuss with the committee what the standards and consequences are and how they will differ with federal consequences.

**KDE staff comments:**

Gene Wilhoit advises that the US Department of Education has a pretty prescribed roll out of consequences. They are rolled out on an annual basis. Kentucky can meet those requirements or exceed them in terms of state intervention with the exception of a third year roll out which may require some adjustments. If the state puts in place what is currently on the books; the audits and reviews, improvement plan, focus funds supporting them, and highly skilled educators, we will meet the short term intervention requirements of the federal government. The feds say in year three, if a school has not improved, there is a requirement for some intervention by the Local Education Agency (LEA). Under the current Kentucky governance structure, LEA's do not have the authority to intervene. The first two interventions are very prescriptive. When you get to the third that deals with LEA intervention strategies, there is a menu of five options. They range from assistance to dissolving the school. Currently a Superintendent and a local school board could not dissolve a school.

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The committee took a meeting break at 10:50 a.m. and reconvened at 11:04 a.m.

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Benny Lile reconvened the meeting at 11:04 a.m. With the arrival of other committee members, there now was a quorum and Benny Lile called the meeting to order and asked for a member roll call.

<b>1. Roll Call</b>	<b>Roger Ervin</b>
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The membership roll was called with the following members present:

Margie Bradford  
Suzanne Guyer  
Benny Lile

Gary Mielcarek  
Henry Ormsby  
Roger Pankratz

Robert Sexton  
Linda Sheffield  
H. M. Snodgrass

**Presenters:**

Teri Eads, Office of Assessment and Accountability, Kentucky Department of Education

Scott Trimble, Office of Assessment and Accountability, Kentucky Department of Education

Gene Wilhoit, Commissioner, Kentucky Department of Education

**In Attendance:**

Kentucky Department of Education: Roger Ervin, Rhonda Sims, Catherine Wright

Kentucky Education Association (KEA): Sharon Felty Comer

Legislative Research Commission, Office of Education Accountability: Gerald Lunney

**3. No Child Left Behind Act of 2001 (NCLB) - Review of issues  
(continued)**

**Scott Trimble**

*KDE staff comments:*

Scott Trimble continues the discussion of NCLB and begins to address annual versus biannual accountability decisions. Scott describes the consequences of the federal accountability system. If one does not make adequate yearly progress (AYP) for two consecutive years, then the federal language causes consequences to happen. The first serious consequence is that the parents in a school that does not make adequate yearly progress for two consecutive years can ask that their student be sent to another school that is successful.

If a school does not make adequate yearly progress for three consecutive years, the school must begin to immediately offer supplemental services. Based on the ability to pay for those services, supplemental services are offered to the students who are still in the school. These services can be provided by a variety of people. The Department of Education is in the process of defining who is qualified to deliver these services. The services are support or remediable particularly in reading and mathematics to students who are in most need of those services. The fourth, fifth, sixth, and seventh year of not making adequate yearly progress, move into the areas required assistance and restructuring and possibly LEA options already shared by Gene Wilhoit.

In the current Kentucky accountability system, the decisions are made biennially. If a school is not making progress, they are classified in assistance level 3, assistance level 2, or assistance level 1. The consequences of being in a level 3 category are that the school immediately undergoes a scholastic audit that talks about things that will be useful and ways to correct what is going on in your school. A level 2 school receives a scholastic review and is not quite as formal as a scholastic audit, but still should result in a plan for improvement. A level 1 school performs a self-review that is conducted by the school and district. In Kentucky significant consequences occur when you are a level 3 school for two consecutive biennium's. There are also serious consequences for the district that has a level 3 school for two consecutive biennium's.

The federal law says that a school shall make adequate yearly progress every year. We have three concerns about this. The first is that through our own experience, statistical analysis of the data, and common sense observations that teachers and local district staff tell us is that an annual decision is simply not as stable as a biennial decision. Local school staff talk about good classes and bad classes and how they affect the performance of schools. Statistically, if you base your analysis on 60 students across two years, instead of one year with 30 students, the results will be more stable and not drift as a function of chance.

A second reason for being uncomfortable with annual decisions is that if you find a problem within a particular school, there is insufficient time for the school to figure out what to do to correct the problem, get things in place to affect the result, and we don't feel this is

something that can be accomplished in a single year. The school didn't get in the condition in a single year. A two year period of time is a more reasonable time to see change.

A third concern is that NCLB is based on reading and mathematics. If all decisions are based on these two content areas and they cause certain consequences to be applied to a school, then obviously a school will address this situation by placing their emphasis in reading and mathematics. Some people will say this is a good thing. From our perspective that is not necessarily a good thing. Our statutes and our curriculum by definition is at least seven content areas wide. Decisions based on the Kentucky model and deal with consequences within the Kentucky model is to address the breath of the curriculum in all seven content areas.

Kentucky's proposal to Washington is to move up the consequences in year three of the federal model to year two. Schools in the third year that appear headed for consequences in the next biennium would receive early interventions such as scholastic audit type activities to correct the situation. We feel that we should continue the biennial model of accountability. In the odd years the focus would be on Kentucky's accountability index and the total curriculum. The consequences for the federal system took affect with the reporting of the Spring 2002 results. This applies to the 30 schools that are in assistance level 3. The federal government has not told us this is ok and they have not told us it is not.

SCAAC member comments:

Linda Sheffield advised that since the Kentucky model is not designed for this, in one of districts in Northern Kentucky, the school that received the consequences is the highest performing school in the district. Still it is a pretty low performing school, but they had to give parents the option to transfer students to even lower performing schools.

KDE staff comments:

Scott Trimble indicated that the Department does not know all the answers, but when we look at our experiences under the early years of KIRIS and the first ten years of reform, some parents had the right to choose to send their students to another school. We did not find many cases where that right was exercised.

SCAAC member comments:

Robert Sexton asked what the consequences are to a state if they choose not to participate in No Child Left Behind.

KDE staff comments:

Scott Trimble said that Kevin Noland has advised that the consequences are that Kentucky could lose its administrative funds under Title 1, which is 7,000,000 dollars. What we are not sure of is whether the state will lose all Title 1 funds, which in Kentucky is around 130,000,000 dollars.

The Department's approach is to present our proposal to the federal government in such a way that we do not have to have that conversation.

SCAAC member comments:

Robert Sexton points out that while Kentucky may lose 7 million in administrative funds, what cost will be incurred to implement NCLB? There is a cost to doing this that's both in real dollars, time, and consequences. What is the cost to scrap our current accountability system and start all over?

KDE staff comments:

Scott Trimble advises that the Department has looked at the cost to implement the requirements of NCLB. Some of the implementation will have to be done. We will have to comply with the grades three through eight in reading and mathematics assessment requirements. The federal government has some funds set aside for this kind of activity. They also cover some of the costs of the additional assessment expansions. What we do not know is the cost of support, intervention to schools that are not making AYP. Our first thought is that we would not scrap the assessment system we currently have. We would try to figure out how to make the assessment system work either within their requirements or ours. We have all the data required expect for the three through eight testing. Our assessment system will work within theirs. There is not much of a cost factor to restart the accountability system other than some key peoples time in the Office of Assessment and Accountability.

SCAAC member comments:

Robert Sexton feels that the costs for changes in the assessment and accountability system will be incurred at the local school level. The costs will be in people time.

Linda Sheffield points that there is a huge cost in instructional consequences.

Robert Sexton advises that one of the consequences of a rigid interpretation of the law is that it would require Kentucky to restart a new school accountability system. This is if Kentucky does not get permission to do the things Gene Wilhoit and Scott Trimble are talking about.

Benny Lile expands on the issues; are you going to do rewards under the federal system? Are we going to have recognition points? What is it going to look like and around and around it goes.

KDE staff comments:

Scott Trimble advises that at this time these costs have not been estimated. If we are forced to start over, then we would build a instructional system that responds to reading and mathematics at grades three through eight, perhaps setting different standards. Or do we hold the curriculum that is focused on seven content areas wide. This is very hard to assign a financial cost too, but there is bound to be a financial repercussion.



SCAAC member comments:

Linda Sheffield says that the instructional implications alone are not worth seven million dollars to make these kinds of changes to destroy what we have done for the last twelve – thirteen years.

Benny Lile feels the public relations and political issues, all come into it. There already are some major stated editorials out there that are pretty much saying who do we think we are to say that we have this thing perfected and no one else knows what they are talking about. If Kentucky is the lone entity out there, and we say that we are not going to play and forfeit seven million dollars, there are political hits that will be taken that are not dollar related. How do you quantify these?

Henry Ormsby asks how do you think the federal government will react if we say we are different and we will not play.

Robert Sexton states that by complying with this provision in its literal sense, it can be argued very strongly that it lowers standards.

Suzanne Guyer feels that if we have to make some of these major changes I see it eroding the confidence of the educators in the system. No one is going to know where to go; nor are they going believe what they do is important.

Benny Lile feels the big issue is the sub-populations. But when you look at our 5% novice reduction rule, and as we get closer to 2014, it appears that the two systems really get very close together. While some will debate this, let's assume this is correct, then the issue appears to become how we can get through the next four to five years. Can we compromise somehow, someway, or can the feds compromise somehow, someway?

Henry Ormsby asks that when you talk about the consequence levels; assistance level 1, assistance level 2, assistance level 3 and remedial support, we don't need to wait 3 years to tell that some of these schools need that support today. I can look at the data today and know what schools ought to get remedial support today. Why don't we start building some of this in on the front end instead of the back end?

H. M. Snodgrass feels that it typically is in place right now. The feds stuff is nothing new in terms of accountability. We have that system in place now and it seems to be working pretty well. We should begin to look at how we can comply without any substantive change or any change at all.

Robert Sexton wants to know if the feds will permit two sets of standards?

KDE staff comments:

Scott Trimble responds that despite the letter that Secretary Paige wrote recently, that they have to permit two set of standards. That appears the way they have responded to the

four or so states that have expressed an intention to follow that course. The feds are not very happy with it but it appears to be in law and statute.

Scott addresses the North Carolina solution. North Carolina is offering to report its data and then also report the AYP federal requirements on another dimension. Scott's take is that fed does not have to accept a joint solution that North Carolina is offering.

SCAAC member comments:

Benny Lile interjects that having two systems, such as what North Carolina is proposing, will cause conflict between the two systems for school rewards and consequences. There is a great possibility that any number of schools where one system proclaims you are in rewards or doing fine and the other system at the same time says you are not and here are consequences. The great 64-dollar question to ask, is there some way to put the two systems together where that does not occur?

KDE staff comments:

Scott Trimble advises that based on simulations that the state of Ohio has run, lowering the standards may only fix the problem in the short run, but not too far down the road, the problems are back. It has to do with sub-populations meeting the same performance levels as the general population.

SCAAC member comments:

Margie T. Bradford points out that the performance of the special populations will have to increase immediately at a much greater rate than the rest of the population, which defies logic.

Benny Lile asks how this will impact us in the immediate future.

KDE staff comments:

Scott Trimble advises under the federal literal interpretation of federal statute by 2003 we will make judgments based on the assessment that we are about to administer in the spring. The ideal is to have the grades three through eight reading and mathematics tests in place by Spring 2005. We will then start making judgments in 2005 based on the new configuration of the testing model.

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At 11:51 a.m. the committee agreed to have a short break, and return for a working lunch to accommodate members that are not in a position to stay the full meeting.

The committee reconvened at 12:02.

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Benny Lile asked committee members to look at the minutes from the last meeting. He wanted the members to specifically review the motion from H.M. Snodgrass with a second by Maynard Thomas that deals with the issue of A2-A6 students and schools and scores for accountability. The issue is does the motion read correctly, and secondly, if it is correct is there still an issue left undone. The members then read the motion.

SCAAC Motion from September 27, 2002 meeting minutes:

*H.M. Snodgrass moves that we adopt this position in principal. Obviously the details will have to be worked out. Maynard Thomas seconds the motion. Benny Lile reiterates for the committee that when schools are directly responsible for the placement of the students in a non-A1 setting, the A1 school should be accountable for that student. All other settings should be considered under another form of accountability. The motion was voted on and passed unanimously.*

SCAAC member comments:

Margie T. Bradford advises that in her notes from the last meeting the committee voted to approve option 2.

Benny Lile said that the issue with Option 2 is that it left the following undone. We said in principle these students should not be accountable to an A1 school *[An A1 school means a school under administrative control of a principal or head teacher and eligible to establish a school-based decision making council. An A1 school is not a program operated by or as a part of another school]*. The issue the committee left undone is where should the students be accountable. The feeling, when I went back and read the minutes and remembered our discussion, was that the students should not be accountable to a district. Kay Freeland had strong feelings about that. However, the Department still has that option on the table. As our motion reads it is not giving the students to the school, but it is still possible for the students to be accountable to the district. We do not have an official stance for or against that.

Suzanne Guyer felt that the committee had talked about a state pool.

Benny Lile agreed but it was not included in the motion.

H. M. Snodgrass feels that we will not be accomplishing anything by moving the student accountability from a school to the district level. The context of the discussion was that the students who fit a certain criteria that can be tracked back to A1 schools should be tracked back to A1 schools. The group of floating students that are assigned by other agencies that are out of the control of the district or the A1 school, should be looked at as possibly having the data aggregating for them separately. We have to address the issue of who is

accountable for them. Is it a state agency; is it the Kentucky Department of Education? He doesn't feel the answer is to just move the accountability of these students to the district level. If these students are sent to the Green River Boys facility in Butler County for two or three years, they are out of the control of the district.

Linda Sheffield read the motion as saying that "we adopt this position in principle". This position refers to the previous paragraph that ends with the sentence "the feeling is that it would not be a district".

Benny Lile's concern is with the term "the feeling".

Linda Sheffield suggests taking out "the feeling" and change it so that the committee recommends "that it not be a district".

Margie T. Bradford indicates that the word "feeling" is not in the motion.

Members point out that the motion is referring to the previous paragraph in the meeting minutes.

Benny Lile feels that from the discussion in the last meeting and also the current conversation, this group does not feel students should be accountable to the district. If this is the case a subsequent motion to the affect that what we are now calling indirect students, which are those students that are not placed directly by a A1 school. Indirect students in A2 through A6 settings should not be accountable to the A1 school or the district.

Linda Sheffield asked if this should be a new motion to clarify the original motion and response was yes.

### **SCAAC Motion:**

Linda Sheffield made the motion that indirect students in A2 through A6 settings should not be accountable to a A1 school or the district in which that setting resides. Margie T. Bradford seconded the motion.

Benny Lile then asked if there was any discussion.

### **OEA staff comment:**

Gerald Lunney talked about students who are attending the Kentucky School for the Deaf in Danville, Kentucky. They go directly from a Kentucky school district, frequently at an early age. The parents often relocate to Danville to be near their child. Therefore they are in the Danville Independent School District and Danville becomes accountable for the student. This happens even though they may never have set foot in one of the schools controlled by the Danville school system. He was not sure that this resolution takes care of this problem.

KDE staff comment:

Scott Trimble, as he understands the motion, is to clarify the students in this particular case will not be accountable to the district within which the facility resides. This leaves open the question are the students accounted back to the district from where they came or should the motion be clarified to make sure the students are accountable to something other than any district.

SCAAC member comments:

Benny Lile feels that the two motions in combination takes care of that. He is not sure that either motion clarifies Gerald Lunney's point.

KDE staff comment:

Scott Trimble shares that students sent to the Kentucky School for the Deaf or the Kentucky School for the Blind by a school district must have a ARC [Admissions and Release Committee] meeting. It may well not have been by Danville Independent Schools. Currently, if the family then becomes a resident of Danville, then the accountability for the student would be transferred to a Danville Public school. Scott Trimble's opinion is that the motion makes it clear that it is not the right resolution. Part of the issue is dealt with but not necessarily with the district.

SCAAC member comments:

Benny Lile says that the motion says A2 through A6 setting, which the two schools qualify, and the local A1 school did not send them there. Danville schools did not send the student there.

KDE staff comment:

Scott Trimble asks from the Department's prospective, is it ok in the minds of committee members that the student be sent back to the sending district or is the committee saying the student should not be accountable to any district?

SCAAC member comments:

Benny Lile clarifies that the students at the Kentucky School for the Blind and the Kentucky School for the Deaf are direct line students for the most part.

KDE staff comment:

Scott Trimble indicates that you cannot be sent to the Kentucky School for the Blind or the Kentucky School for the Deaf without local school district having an ARC proceeding.

SCAAC member comments:

Benny Lile says that as both of the motions read, if Barren Co assigns a student to the Kentucky School for the Deaf, the student's score will come back to Barren Co. since this is a direct line student.

Margie T. Bradford points out that if the student's parents move to Danville, then they would be in the Danville school district.

Benny Lile feels that under this motion Danville Independent schools would not be held accountable for these students unless they sent the students to the Kentucky School for the Deaf.

KDE staff comment:

Scott Trimble shares that it is how we currently deal with the accountability assignment of the student scores. The motion changes that.

SCAAC member comments:

Margie T. Bradford points out that if the student's parents move to Danville and become a legal resident of Danville, then the student belongs in the Danville Independent school system.

Benny Lile and Margie T. Bradford advise at the time of the move, the ARC would have to reconvene and transfer the student's records from the former district to Danville. Then Danville would have the records, convene the ARC and be the district of record that sent the student to the Kentucky School for the Deaf.

Harry Ormsby asks for clarification on the type of school the Kentucky School for the Blind and the Kentucky School for the Deaf are.

KDE staff comment:

Scott Trimble advises that the two schools are under the direction of the Kentucky Department of Education and are considered A3 schools *[An A3 school means a district-operated, totally special education school]*. An A6 setting *[An A6 school means a district-operated instructional program in a nondistrict-operated institution or school]* which is a court ordered setting. If the student is at the Kentucky School for the Deaf and the parents become legal residents of Danville, annually there has to be a Admissions Release Committee hearing and someone in the Danville Independent school system would have to be part of the hearing that placed that student at the Kentucky School for the Deaf. The student would become directly assigned from the Danville Independent school system to the Kentucky School for the Deaf. In an A6 setting there is not an ARC hearing or an equivalent process. The Court places the student there for reasons that are different than special education.

OEA staff comment:

Gerald Lunney advises that the Office of Education Accountability (OEA) is frequently told by districts that the first time they are aware that the district is accountable for a Kentucky School for the Blind and Kentucky School for the Deaf student is when the student appears on the school's CATS student accountability score rosters. They have never seen the student and did not know the student existed. In fact, when the parents move, there needs to be another ARC meeting and the school is then aware of the student.

SCAAC member comments:

H.M. Snodgrass thanked Scott Trimble for the explanation and advises that we are continuing to treat students the way we always have in regard to parents moving or changing districts. The district in which the parents reside is the one that has to convene the ARC to change placement of any special needs situation. When that child moves within the new district's borders, it becomes that district's student.

Benny Lile hopes that there are close lines of communication between the Kentucky School for the Deaf and Danville Independent schools so that this is not an issue.

Benny asks the committee if everyone is clear on the motion and what the committee is voting on.

KDE staff question:

Scott Trimble asks for clarification that it does mean that KDE could still have the conversation about assigning the student back to the district that sent them.

SCAAC member comments:

Benny Lile advises that it is his understanding that indirect students will not go back to the home district nor are they going to the district in which they reside. The indirect student will not be assigned to the school nor the district where the legal guardian resides nor where the school they are attending is located.

**SCAAC Motion:**

Benny Lile asked the committee to vote on the motion and the motion passed unanimously.

SCAAC member comments:

Benny Lile asks the committee if anyone would like to have any comments, discussion, action about how or where these students should be assigned. This will be the next question asked by the Kentucky Board of Education members at next weeks board meeting.

Benny Lile provides a description of the environment at an A6 facility and the constant movement of students from one A6 facility to another. The test is administered to students on suicide watch, to students who are court ordered to undergo three hours of counseling a day and can not receive a full day of instruction. The students are under drug treatment. Davies County has schools located in jails. Jefferson County has schools in hospitals. That is why these districts will tell you that it is not a level playing field to hold them to the exact same accountability as a regular A1 school. Many of these facilities have very small enrollments; they may not have a grade 4 for example in a given year.

Margie T. Bradford tells committee members that there are instances where school districts do not want these schools in their county or in their school district. They do not want the scores coming to them since they had no part in getting the children there.

Henry Ormsby says that education is not the primary responsibility. The students are in these facilities to get them stabilized.

Benny Lile points out the students run the gamut. Some of the children cannot get along and they will succeed in the alternative setting. One of the things that have been talked about is a second set of accountability rules to address what the committee is thinking. The students will be accountable, but not on the same line or same slope that everyone else is on.

KDE staff question:

Scott Trimble advises that this will be discussed at the February 2003 meeting of the Kentucky State Board of Education. He is writing documents for the meeting and needs to be very clear on what this committees' position is.

SCAAC member comments:

Henry Ormsby asks if the committee should ask the Department to come up with some recommendations for this committee and others to evaluate. He feels that these students get shuffled off.

Benny Lile points out that the intent was to have these students accountable to an A1 school to keep this from happening. In the long run it probably has fostered that.

Henry Ormsby asks if a case study could be developed over a year while the Department looks at what is going on and can address their educational needs. Then have the Department come back to this committee with some recommendations.

KDE staff question:

Scott Trimble advises that this is a reasonable conversation to have. For year 2003 there is no accountability decision.

SCAAC member comments:

Roger Pankratz feels that he and the committee cannot make some kind of a judgment without more information about all the possibilities and the Department needs to look at different cases. He feels a moratorium is an appropriate action to allow the Department to study the issue.

KDE staff question:

Scott Trimble feels that in the absence of any action by the State Board to change the regulation, and so far we are not making any proposal to change the regulation. To change the regulation we will need to have a clear understanding of what we are changing it to. On the absence of any action, when the 2003 data is reported, the data would be tracked back



to an A1 school just as current regulation says. For 2003 there are no accountability decisions under our model. We would have until 2004 to continue under the current model, or change to a system similar to what you have recommended. If we change we have to come to some resolution on who is going to be accountable for who, what, and where is the accountability for these other students going to rest. There will need to be a discussion, as we require accountability for all students in a Kentucky Public school. Our current model believes that we are accountable for teaching these students to the same high level of academic performance that all other students are to be taught. We have data that suggests that we are not being very successful at that right now. Are we just responsible for the child's academic development or are we responsible for the child's academic development and other development? Obviously someone has to be responsible for that child's safety and well-being. These are parts of the conversation we need to address if we change.

SCAAC member comments:

Benny Lile asks if we keep it in the calculation this year, with the understanding that there would be a yearlong study, and ended up that the students were taken out of the schools/districts accountability, what type of workload does that place on KDE staff as scores will have to be recalculated when the students are pulled out of the accountability calculations.

KDE staff question:

Scott Trimble feels that since the students are already identified, the process can be handled quickly. Where districts have chosen to report these students as if they were in an A1 school, the Department would have to go back to districts to get updated information on these students. There would be some work on the part of local districts.

SCAAC member comments:

Benny Lile indicates that the committee has talked about the possibility of regional accountability grouping of these schools. Is there any regional consortium where the directors of these schools come together and meet? Is this in existence?

KDE staff question:

Scott Trimble advises that he is not aware of any regional structure now. The possible exception is Region 3, which is basically Jefferson County Public Schools. That is the reason that some thought it was worth talking about. Within their environment they do have a group of schools that are under certain direction and administrative authority. The question is could this be extended to other regions?

SCAAC member comments:

Benny Lile feels that this could be part of the study that Henry Ormsby is recommending. Could some type of regional structure be put in place? There is a vast difference between the day treatment facility, the prison schools and the hospital schools. We may not want to clump them all together. Possibly there are several models within that.

KDE staff question:

Scott Trimble advises that these are very complex issues. There is a fairness issue that what may be fair for the student may have a different fairness for the school. There is not one right fair answer for everybody.

**SCAAC Motion:**

Benny Lile asked the committee if they would entertain a motion to the affect of Henry's statement that we would ask the Department to study this intensely over the next year since we are in an odd year accountability and no judgments will be made this year.

Roger Pankratz so moves and Henry Ormsby seconded the motion.

Benny Lile states that we have a motion asking the Department the assignment of accountability of A2 through A6 schools and students be studied throughout the coming year.

Benny Lile asked if there was any discussion and there was none.

The committee voted and the motion carries.

<b>2. Approval of September 27, 2002 Meeting Summary and Minutes</b>	<b>Benny Lile</b>
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SCAAC member presentation:

Benny Lile asked members for any corrections, additions, or motion on the minutes as presented.

**SCAAC Motion:**

Robert Sexton made the motion to adopt the minutes as presented. H. M. Snodgrass seconded the motion.

The committee voted and the motion carries.

<b>3. No Child Left Behind Act of 2001 (NCLB) - Review of issues (continued)</b>	<b>Scott Trimble</b>
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SCAAC member comments:

Benny Lile moved the committee back to NCLB. Before we have some members who have to leave, there was some conversation just before lunch about a motion of support of the Department's position at this point in dealing with the legislation. At this time Benny Lile will entertain a motion to that affect.

H. M. Snodgrass indicated that the two options listed here are that we want to attempt to keep our Kentucky system intact. Everyone is pretty much in agreement with that. I think we have to be willing to look outside the box and consider some other options. One of those might be a discussion that we had earlier in regard to being a paper chase versus a substantive tactical or statistical change in the system. That option or options like that are not listed in the chart for consideration. I would hope that there might be consideration given to other options.

KDE staff comments:

Scott Trimble spoke to the reasons that other options are not presented to this point for two reasons. One is that there is a consensus by our State Board for us to sustain the substance of our current accountability model. The other thing, as April 2003 approaches, we feel like that it is going to be pretty clear as to whether or not A) we will be able to do that or B) we will be convening some very substantive meetings of this committee and other groups to discuss what happens if that doesn't turn out to be possible. We know that those things are on the table.

SCAAC member comments:

Robert Sexton says that the State Board looked at this issue and they approved this, and this is their official position. The Board is more constrained in what they can say than this committee. It would be appropriate for us to layout anything we want to say so that the Board and Gene Wilhoit have our recommendations on their list. By going a little farther we are letting the Board know that there are other people who want to take stronger actions. We don't want the Board to negotiate this away, so do all the negotiation we can to keep what we have intact. Then there are the extreme options

Benny Lile says that if you look at some of these other states who floated some of their options, the ones who talked about lowering standards. They have been brow beaten pretty heavily. The US Secretary of Education came out with a letter that he might as well put the names of four states in the header. This was pretty severe chastisement.

Roger Pankratz feels the argument is different from Kentucky because we have twelve years of reform. Kentucky for over a decade has gone through this. Our bottom line is that we do not want to damage any progress to kids. We have an agenda that we think is as good as or better than No Child Left Behind. We also have some experience behind it. Our approach is that because of that we want to keep that going. If the feds don't buy that, then the paper trail is the next level that we go. The argument is to come out and not say things like we are going to lower standards. We should say we have a system that we have worked hard on, we have had to change it, we have had to change it when, we have moved from KIRIS to CATS and add all the other positive stuff. We have worked hard on a state level to do what they are attempting to do on the federal level. Let us continue to do that. As a leader in this we should get some consideration of that and use our political influence of Senator Mitch McConnell and others. If this doesn't work, then we should go back to the paper trail as the next level. We have good reason to ask for consideration, much more than some other states.

Benny Lile recalls that at the September meeting the committee looked at data that shows, under the current Kentucky model, that we are looking at 500 schools in assistance by the next biennium unless some drastic measures are taken. Never mind four years from now under No Child Left Behind. Data is not emotional; it is what it is.

Roger Pankratz feels that the requirements of NCLB are unreasonable. What's going to happen with this system, because it is unreasonable, they are going to change it, if nothing else, the next administration will change it. It is the same thing that happened with the primary program. The primary program had a reasonable entry period in 1995 when the old department left. The people who worked on it originally said we are going to phase this in by 1995. In 1992 the legislatures said this is not soon enough, it has to be done by 1993. That decision caused such a hue and cry that by 1994 they started to loosen it up and by 1996 they undid it. I think that is exactly what the Bush administration has going for themselves right now. They are making it so unreasonable. Maybe our model in the long run will get unreasonable, but not so unreasonable that people are fighting it. People are willing to go with it and try to make it work. The best thing we can do is stay the course with our system as we have been able to get people adjusted to it and because we have gone through a decade with it.

### **SCAAC Motion:**

Benny Lile calls for an action and entertained a motion.

H. M. Snodgrass made the motion that this committee supports the position that the Kentucky Board of Education stays the course. Linda Sheffield seconded the motion.

Benny Lile called for discussion, the committee voted and the motion passed.

### **SCAAC member comments:**

Henry Ormsby recommends that a Plan B should be developed that is well thought out in case things do not work out. The plan should show the least obtrusive way that we can adhere to the federal guidelines.

Benny Lile feels that Scott Trimble is telling us that a Plan B is being developed but that it will not become public until all hope is lost with Plan A.

Roger Pankratz reiterates that we should not be lumped in with the other states that don't want change. We need to provide the burden of proof that our system works as demonstrated by our history with reform.

### **KDE staff comments:**

Scott Trimble shifts back to the NCLB chart. The next issue is pass/fail versus index. Within the federal system, their reading index is calculated by the percentage of students that are proficient or above. It is a zero one scale where you receive no credit for students below proficient and a one for students' proficient or above. Under the reform we wanted

to set reasonably high standards in reading, mathematics, science, social studies, etc. We understood that the accountability system had to give credit to schools that moved students or groups of students toward that standard as opposed to that standard. We initially set up our index system to give some credit for getting to proficient and some extra credit for getting to distinguished. When we set high standards we found out that this was not sensitive enough to the changes that the teachers felt like they were making in the classroom. With participation of this group we did establish an index that gave intermediate credit for movement toward high apprentice, etc. We set up a system where you get zero points in our system for non-performance, 13 points for mid-novice, 26 points for high novice, 40 points for low apprentice, 60 point for mid apprentice and 80 points for high apprentice. Teachers will accept the challenge to teach students to high standards, but when you put that challenge on the table you have to give them some credit or the system some credit for making progress toward that. That is why our index is shaped the way it is as opposed to a zero one scale. This is an issue we have to be sensitive to. This may be even more important in terms of whether you have high standards or low standards.

Scott Trimble addresses the next topic on the chart that is schools to proficiency versus all students. Our system holds schools accountable to getting a school to the point of 100 on the accountability index. Our system recognizes that our measurement system isn't exactly perfect because of measurement error within our system. We want to have substantially every student to be proficient. Our system allows for high performance at the distinguished level to compensate for a few students at the novice and apprentice levels. The NCLB rules change this such that there is no tolerance for measurement error. There is no tolerance for students below the proficient mark. This is a very important distinction that people need to be aware of.

SCAAC member comments:

Robert Sexton is confused about the 95% percent business and asks for clarification as it relates to this. The feds do not say 100% anymore. A legal argument can be made that we are going to higher than the federal standards.

KDE staff comments:

Scott Trimble asks if this can be combined with the roster issue as they are so intertwined.

What was not covered in our earlier discussion of AYP is that you have to test 95% of the total population and of every sub-population. One of the conditions for meeting AYP is simply that you have to test 95% of your African American students, Hispanic students, students with disabilities, and other sub-populations. The real problem is that the federal government simply holds you accountable for testing 95% of your population enrolled over each sub-populations. So if you have 100 African American students, you have to test 95. There is no discussion at this point on how well they have to score. You are only accountable for those students that have been there for a full academic year. Therefore, the exclusion can be much higher than 5%.

SCAAC member comments:

Robert Sexton indicates that the Kentucky model requires you to be accountable for every student in your school. The chart says that NCLB requires you to be accountable for 95% of something. NCLB wants 95% of the total population and each sub-population in reading and mathematics. I'm not sure if we are talking about 95% of all students or 95% of accountable students.

KDE staff comments:

Scott Trimble advises that since this was written we have received clarification on the 95%. You are accountable for testing 95% of your students enrolled in all areas. You are accountable for the performance of the scores of those students who have been there for a full academic year.

SCAAC member comments:

Margie T. Bradford confirms that you are accountable for the scores only of the children who have been in your school for one academic year. Is another district accountable for the student if they have not been in the school for the academic year?

KDE staff comments:

Scott Trimble advises that under NCLB, if they have been in the district for a full academic year and not in the school, then the district is accountable for the student. If the student has not been in the district for a one academic year, then no other district or school is responsible for the student's accountability. If the student has been in the state for a full academic year, then the state is accountable.

Scott Trimble, in regards to Robert Sexton's question on testing 95% of the students, the new federal regulation says that you cannot systematically exclude 5% of the students.

SCAAC member comments:

Linda Sheffield asked if the KCCT test is still on a bell shaped curve?

KDE staff comments:

Scott Trimble advises that the results have a bell shape to them as does the results of almost every test. The cut points are not based on any specific points.

The issue we are worried about and the State Board is very worried about is the notion that we are going to set up a system that no one is accountable for a substantial number of students.

SCAAC member comments:

Robert Sexton asks that if we are only testing students that have been there for a year. If we change don't we have to start the accountability clock running all over again? The scores are not comparable. This is a new test score based on just the students that have been there for a year are not comparable to scores taken the year before under KCCT.

Can you even equate past scores from Kentucky to the new scores under the federal model?

KDE staff comments:

Scott Trimble says that if he answers the question, the answer is no and Robert Sexton is correct that you cannot equate the past scores. But when you look at what we have to do, but we act as if 2002 data is the line. We do not account for that in the federal legislation.

SCAAC member comments:

Robert Sexton asked how this impacts the current reward system.

KDE staff comments:

Scott Trimble states that if we were to build our accountability index only on students that have been in the school for a full academic year then the lines we already have drawn are no longer relevant to that decision unless decide you need a break. This is not included in the document before the committee. The federal model assumes that the 2002 data, however you have it, is the right data to draw the line on. The 2003 data adjusted the way we are talking about; students that have been there for a full academic year, etc., is the right data element to compare the data against it. In 2005- 2006 it is all right to average data across three years of data.

SCAAC member comments:

Robert Sexton states the requirement of being there a full year change the whole business of reaching every sub-population. You are really saying that you do not have to reach every sub-population.

KDE staff comments:

Scott Trimble tells Robert Sexton that you are saying the problem better than I'm saying. You have to test 95% of every sub-population but for school performance it is only related to the students that have been there for a full academic year.

Things that worry us are that a school would only concentrate on educating students that have been their school for the full academic year. We don't think schools and teachers would do this, but it is a serious concern about non-performing schools that are trying to get back into a performing status.

SCAAC member comments:

Margie T. Bradford feels that this is making a mockery of what we are trying to do.

KDE staff comments:

Scott Trimble indicated that in his discussions with the people in Washington, when they looked at the language that appears on the roster page, we were really caught off guard on how surprised they were.

Paraphrasing the federal statute a school should be held accountable only for those students who have been in a school for a full academic year, and that if a student has not been in a school for a full academic year then the district should be accountable. This is what federal statute has.

However the federal regulation, 200.20 sections E and F restate exactly what I just said and it goes on to say that you may not hold a school accountable for students who have not been there for a full academic year. It restates it in the negative. That was a surprise to the federal people and the impact of it was a real surprise to the federal people. The federal people were real concerned when we explained that to them and contrasted that with our position that on the first day of the testing where ever that student is the A1 school is accountable for that student. So in Kentucky an A1 school is accountable for virtually every student in the Commonwealth. We explained a particular district that we had done an analysis on by matching the students from grades 4, 5, 6, 7 and 8 and we explained that a fourth and fifth grade school could loose as many or more than 50% of their students in a single year. By the time that you get to the high school in the particular district we were loosing 80% of the students. The federal people were concerned about that as much as we are. This data baffled them. The meeting took place in Washington this week.

Scott Trimble asked the committee for a definition of an Academic Year.

SCAAC member comments:

Benny Lile reminded the committee that about a year ago, Cindy Owen had spent much time with this committee defining academic year, but that was how it pertained to limited English proficiency (LEP).

KDE staff comments:

Scott Trimble said that this is the clause that the LEP people fall back on that tells us that we had to include these students in the accountability system within a year. It is the very same language.

SCAAC member comments:

Benny Lile asked if the definition that Cindy provided is in affect today for LEP students, which in essence is really two years. They have to be in the school from August through May, opening day through closing day, and then they take the test the following year.

KDE staff comments:

Scott Trimble agrees and asks the committee for their opinion on what an academic year is. Is it a calendar year that goes from April 21<sup>st</sup> to April 21<sup>st</sup> because that is when we test? Is an academic year the beginning of the school year until we open the testing window?

SCAAC member comments:

Suzanne Guyer feels that the academic year starts with the beginning of school.

Benny Lile, not wanting to split hairs, feels that a full academic year is a student being their on opening day to closing day.



Henry Ormsby states that in the context of a testing system, the full academic year is a student who is in the school from the day after the test is taken to the first day of testing in the following year.

Benny Lile points out that with his *[Benny's]* definition and Henry's definition, we will lose a lot of students.

Benny Lile asked that if we are ok with our current definition of a LEP academic year, will the feds allow two different definitions for academic year?

*KDE staff comments:*

Scott Trimble says that when we first saw the law, we thought we would be able to hold our policy or some adaptation of our policy pretty much intact because the "may not" language was not in there. What we were thinking when we presented the LEP option to the committee, students who come into this country need some time to adapt to the English language and to our way of life before we hold ourselves accountable for their performance on this assessment. Our past policy was consistent with NAEP's which was to give students two full years of academic experience in an English speaking school before we held ourselves accountable. So we felt it was reasonable to look for a definition of academic year and the first one that came to my mind was Suzanne's. Then we added the word "full" and that seemed pretty clear to us; the beginning of the school year to the end. This seemed to be the way we could give LEP students the maximum amount of time to get accustomed to English and therefore be accountable for their performance. Now if we have to translate that same definition of an academic year to our transient population, it is pretty clear that we are going to lose more students than if we use the definition that Henry suggested which is simply a calendar year from the day that the test window opened.

The federal government is more confused about this than we are right now. They are going to go back and see if we can go beyond this.

You can go to the National Center of Education Statistics website and find a definition of a academic year that is consistent with the fiscal year. This would be more like a school year, which might be July 1<sup>st</sup> to June 30<sup>th</sup>.

*SCAAC member comments:*

Suzanne Guyer states that it is obvious by the definition that we really are excluding a lot of the sub-population. The very ones that the low social economic and some of your Hispanic populations tend to be very transient and whatever our definition is we are eliminating them from inclusion in accountability.

Benny Lile points out that the real confusing part is going to show up when all the schools look great and the state scores are terrible.

Roger Sexton states that the lower performing schools will jump up.

KDE staff comments:

Scott Trimble feels the bigger issue, is anybody going to feel accountable for the daily delivery of instruction to this population that we are not accountable for on performance; we are only accountable for testing them?

Scott Trimble talks about the letter from Secretary Paige that lists the 10 points that the US Department of Education think are most important in the law. One of the points is that the state must have a single accountability system. They are saying that you can have a two-dimensional single system e.g. some form of our system and the federal system. The question is which system has integrity or which system do you pay attention to. It probably will depend on which set of consequences and rewards you feel are most important. That determines whether or not you build a curriculum that is reading and mathematics or is seven content areas wide. That determines if you build a curriculum that is based on the students that have been with you for a full academic year or all the students you have.

Scott Trimble then outlined a proposal that was reviewed by NTAPPA. The suggestion is that for this model you would have to have 30 students across the grade range, grades 3, 4 and 5, or grades 6, 7, 8, and grades 9, 10, 11, or 12 and no fewer than 5 students in a sub-population at any grade level. They would say quite honestly that you could raise that minimum n-count and one of the options is to raise it to 10 students per grade level. The advantage this provides is that we would report all data elements that we are using.

OEA staff comments:

Gerald Lunney asked that Scott Trimble talk with the committee about parental options and the transfer of students.

KDE staff comments:

Scott Trimble shares that after a school does not make Adequate Yearly Progress for two consecutive years, the parent has the right to ask the student be reassigned to a successful school. There are certain initial limitations particularly at the beginning. If a school district does not have a successful school then a school does not necessarily have to send you across district lines. Later on in the series of consequences if the district is taken over we may have to talk differently about that as you get down to year five or seven. In the regulation that came out, what we had been saying earlier is that in a school district that says a successful but may not have the room etc., that was something the district had the authority to control. The new NCLB regulation says lack of space or lack of capacity is no excuse for not placing any student in a school where the parent wants them. The parent does have the right to ask that the student to be moved to a successful school. Initially it is within district. There is a set of issues related to district accountability. If the district is deemed to not have met AYP for a particular period of time, then the parents can ask for transfer of students across district lines.

Scott Trimble asked to cover three additional issues that will eventually be brought up. We have kind of alluded to one of them. Our district accountability system will probably need to

be revamped more to model what we do to local school districts or the aggregate of the local school district model for issues related to accountability for sub-populations. There are certain places in statute where it speaks of needing to have districts meet AYP. The federal statute implies that there would be a parallel district accountability system.

Return of test data is going to be a very controversial issue for us because we think we are returning our test data just as quickly as we can. We in fact have extended the testing window. The law simply says that we have to return test data prior to the beginning of the school year, and it doesn't say academic year. We agree with getting data back to schools as quickly as is humanly possible. We have made some decisions here that will cause us to push that return date back a couple of weeks. We will do everything possible to condense that as time goes on but that is not likely to happen immediately. Furthermore the law says not only do we have to return this data before the school year, but we must give the school 30 days to allow them time to determine if we correctly said that they met or did not meet AYP. This implies that we would have to return results 30 days prior to the start of the school year. Within that 30 days we have to resolve all of the equivalence, what we speak of as appeals. The law does not say that you have to give due process, you just that have to listen. We do not know how to meet the return date.

The other issue on the table that we will have to deal with in the future is the alternate portfolio. This involves less than one percent of our population, to be more specific about .7 percent at the fourth, eighth, or twelfth grade levels. There are two issues that we have to deal with. The law literally says that the alternate portfolio has to yield a reading, mathematics, and eventually a science score. Our position on that is that the alternate portfolio comes from a subset of the academic expectations as drawn from the breath of the student's curriculum and includes reading, mathematics, and science kinds of activities. The portfolio is scored holistically, therefore that score apply to all. It is strongly felt by Washington that we should get the alternate portfolio scored at grades three through eight in reading and mathematics.

SCAAC member comments:

Benny Lile asks members if they have any questions.

KDE staff comments:

Scott Trimble asked the committee if there are topics that you have heard about related to this or did we cover a topic that you would wish us to come back better prepared to talk about next time.

SCAAC member comments:

Benny Lile's question is that this proposal will be presented to the federal government on January 31, 2003 and when will we get a response. Do we have to wait until April or May to get a holistic response? Secondly, can we anticipate no impact of any of this on this years testing? Lastly, is it reasonable to assume in 2004 that we will field test the three through eight augmented items.

KDE staff comments:

Scott Trimble advises that there is no way for the federal government to tell us anything by January 31, 2003. The timeline is the State Board will give final review and direction of this January 13, 2003. The plan will be turned into the federal government by January 31, 2003. May 31, 2003 is a critical deadline and May 1, 2003 is an important date as the federal statute says that we have to have our goals, our targets for AYP, turned into the federal government by May 31, 2003. We have to assume they have to tell us if they like what we are planning to do or accept what we are going to do. We need to know by May 1 and hopefully in April. There is a required peer review and the feds have not defined how they plan to do it.

Scott Trimble does not anticipate, barring just an absolute emergency, any impact on this years testing. This years testing will be administered just as anticipated. Questions about usage and reporting we will have to see.

Scott Trimble advises that we will be field testing by 2004 at least augmented items for three through eight in reading and mathematics.

**4. Testing Window update**

**Scott Trimble**

KDE staff presentation:

Scott Trimble reported to the committee that KDE implemented the testing window options as we had spoken of them here. School districts will be able to test within a two week period beginning either April 21, 2003, April 28, 2003, or May 5, 2003. We have also implemented a second kind of flexibility that came to the surface from local school district request. Some districts would like to test the high school within one of those windows and the elementary and middle school in another window. We are allowing it as we do not have a good reason to turn that kind of request down. We are permitting this kind of flexibility and it has been implemented.

SCAAC member comments:

Benny Lile in his discussions with other District Assessment Coordinators advises the accountability roster decisions are going to get crazy. A student moving from a school that has not started testing yet to a school that has already finished testing causes problems and around and around it goes. The different scenarios are creating confusion for the schools and staff in the field. Benny advises that districts, while glad to have flexibility; he is sensing despair in some of the larger districts in what they are going to do. While the rules are clear, the logistics become complex with the different scenarios when students move from one district to another.

Benny Lile asked if members had an opportunity to look at the paper that Linda Sheffield had brought from the North Kentucky Council of Partners. Linda has spoken at our meetings about her concern, and many of math peoples concern, about the program of

studies and core content at the high school level. This is a group in Northern Kentucky that is just meeting and making a first attempt draft to get some things moving on that. They are going to meet in January. Personally they have some valid concerns. We have discussed it a few times at our meetings. The high school program of studies is pretty slim when you are in mathematics. Their objective is to get up to that level of the assessment and the standards to meet the level of proficiency in the eleventh grade mathematics. There currently is not a lot of guidance for the high schools. Perhaps the biggest concern is why are the high schools not standing up and screaming about this.

Benny Lile has one additional FYI item for the council. At the last state board meeting, the issue of portfolio audits came before the board. There is quite a bit of disparity between statewide scoring and the audit scores. Each year a certain number of portfolios are audited, a certain number at random and a certain number for purpose. As the scores are returned, the agreement between the audit score and what the school scored them as in some of the performance categories there is great disparity. Proficient and distinguished have low agreement and mainly at the high school. The board charged the Office of Assessment and Accountability and the Curriculum folks to begin to take a look at this.

Henry Ormsby had an observation that he wanted to pass on to the committee and Department staff. He whole-heartedly understands the importance of assessment and accountability. He hears this group express much frustration of with state and federal regulations. The legislature put business people on this committee to make a contribution. He is asking if there are ways that he can help you communicate some of your frustrations with state, federal, local, whoever, bureaucrats. We ought to leverage the business community and others in delivering the message that I sense when I listen to you talk.

Benny Lile feels that Henry is raising a critical issue. A lot of people have lined up at the steps of Washington on how to get out of this. While we have tried to explain a twelve-year case study, it almost appears we are being lumped in with everybody else.

Henry Ormsby states that education is critical for economic development, for workforce development and moving each community and Kentucky forward. If there is some way we can leverage that, then help me do that.

Gary Mielcarek hears what Henry is saying. For three years he has sat on this committee and it is all very frustrating, it is all give and take. This is something new that is being brought down from on high. This is a different deal where Washington is dictating. For what little I know about it, I don't see how anyone that is knowledgeable about reform in Washington can think that we are trying to get out of something or lump us with other states that haven't done near the investment that we have done in effort, in energy, in education reform.

KDE staff comments:

Scott feels that Washington does not believe Kentucky is trying to beat the system. On the other hand, he feels that they think they have a cure for cancer.

SCAAC member comments:

Gary Mielcarek states that if this is the case, then it will be an uphill battle.

Margie T. Bradford feels that in reading some editorials from Kentucky newspapers, it's Kentucky that is doing the lumping in and not the federal government. She doesn't know if it is a public relations thing on our part or there has been such a turnover on editorial boards that they don't understand the process, or don't what we have gone through, or what the context is. Somehow the complexity of it is not getting over to the editorial boards. They are making superficial decisions based on snap judgments. Oh well, they do not want to conform, and shame on you, without making the least attempt to understand exactly what it is that they are talking about. I find that very offensive.

OEA staff comments:

Gerald Lunney mentions that the most important part that is forwarded to Washington is the preamble; the history, the philosophy, the rational. This will have more of an impact as a public relations piece. There is a lot of talent in the Department. Get the folks starting to write the preamble.

SCAAC member comments:

Henry Ormsby confirms that the next council meetings are scheduled for January 31, 2003 and March 28, 2003.

**ADJOURNMENT**

SCAAC member comments:

Benny Lile advised that since a quorum of members was no longer in attendance, the meeting could not be official adjourned; but the meeting was over and members could leave.